

REMARKS

Election/Restrictions

The attorney of record hereby affirms the telephone conversation with Examiner Johnstone on May 17, 2004 wherein an election was made with traverse to prosecute the invention of the species including the 1+18 construction, claims 49, 50 and 52. Claim 51 is hereby withdrawn.

Priority

Applicants disagree with the Examiner in regards to the holding of priority. It has been held that there is no disclosure in the claimed priority chain predating December 17, 1996 that the metallic cord construction is of at least two layers, as recited in claim 49.

As argued in the parent application 09/835,916, Table 2 of great grandparent application 08/514,080 (and thus 08/514,081 and 08/360,793) discloses multiple cord constructions, including 2+2, 3+2, 3+3, and N+M wherein N and M can be any number from 1-5. Each of these cord constructions has two layers. Table 3 discloses 1x, 2x, 3x, 1+5, 2+7, 1+6, 1+6+1, 7x19+1, 7x12+1. This listing of cords includes cords having constructions of at least two layers. Thus, there is support for a claim of a cord construction of at least two layers and those skilled in the art would have appreciated that Applicant had possession of the recited invention at the time the application was filed.

Prior Art Rejections

Claims 49 and 50 have been rejected under 35 U.S.C. § 102(e) as anticipated by Prakash et al. (5,709,760) or, alternatively, Prakash et al (5,779,829).

Claims 49 and 50 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaneko et al.(5,873,962).

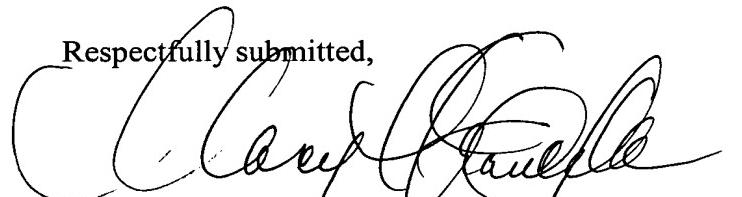
Claims 49 and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Assaad et al (5,858,137) in view of Fujita et al (5,603,208) and its equivalent Japanese Patent Application 6-184963, Kaneda et al. (5,609,013) and its equivalent Japanese Patent Application 6-184962, and Japanese Application 5-195455.

Claims 49 and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al. (4,572,264) or, alternatively, Takahira (4,986,327) or, alternatively, Helfer et al. (H1333) and its equivalent PCT Application WO91/14573, in view of Fujita et al. (5,603,208) and its equivalent Japanese Patent Application 6-184963, Kaneda et al.

(5,609,013) and its equivalent Japanese Patent Application 6-184962, and Japanese Application 5-195455.

Due to the amendment to the claims, the inclusion of the indicated allowable subject matter, these rejections are now moot.

In light of this amendment, all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,

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